IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.631 OF 2005
IN
WRIT PETITION NO.505 OF 2005

M/s.Hindustan Lever Ltd. Appellant
vs.
Hindustan Lever Research Centre
Employees Union & ors. Respondent

Mr.J.P.Cama, senior counsel with Ms.Vasanti Kander for the appellant.

Mr.S.K.Talsania with Mr.K.S. Bapat & Mr.T.R.Yadav for the respondent no.1.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 8th August 2005

P.C.

Heard Mr.J.P.Cama, the learned senior counsel for the appellant and Mr.S.K.Talsania, the learned counsel for the first respondent.

2. Twofold contention has been raised by the learned senior counsel for the appellant. His first contention is that though charter of demand was submitted by the first respondent-Union to the appellant in the month of July 1986, for the first time the request to the Conciliation Officer to intervene in the dispute was made in the month of January 1992 and, therefore, the interest ought not to have been ordered for the period

prior to January 1992. The other contention of the learned senior counsel for the appellant is that award of interest at the rate of 15% per annum is exorbitant and excessive and the learned Single Judge ought to have interfered in the award.

3. In so far as the first contention is concerned, Mr.S.K.Talsania, the learned counsel for the first respondent conceded and in our opinion rightly that even as per part II award, the interest on unpaid amount of Rs.600/- per month for the period from 1st July 1986 to 31st December 1991 is payable from 1st February 1992 till the actual payment of the arrears. Mr.Talsania informed us that the actual payment of arrears was made in the month of August 1996. Mr.Talsania, thus, agreed that interest on the arrears is payable for the period from 1st February 1992 to 31st July 1997. This clarification takes care of the first submission of the learned senior counsel for the appellant.

4. In so far as the interest at the rate of 15% on the arrears as awarded by the Industrial Tribunal is concerned, we are of the view that no interference is called for in the rate in view of the earlier award passed by the Industrial Tribunal and that award having been upheld by the learned Single Judge and implemented by the appellant. However, we want to make it clear

that interest at the rate of 15% on the arrears as awarded by the Industrial Tribunal shall not be treated as precedent in other disputes between the parties relating to parity of wages for the period after January 1992.

5. With the clarification that we have made, the appeal does not deserve to be admitted and is disposed of accordingly. As agreed to between the parties, we observe that if the payment of interest at the rate of 15% on unpaid arrears is made within four weeks from today by the appellant, the order passed by the Member, Industrial Court, Mumbai on 11.07.2005 in Complaint (ULP) No.260/2005 shall stand set aside.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)